

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUMMONS FOR JUDGMENT NO.1162 OF 2003
IN
SUMMARY SUIT NO.2893 OF 2003

Creation Publicity P.Ltd. .. Plaintiff

Vs.

Friends India and Anr. .. Defendants

Mr.Jose George for the plaintiff

Mr.H.N.Thakore i/b Thakore and Joshi for the
defendants

CORAM : S.U.KAMDAR, J

DATED : 23RD AUGUST, 2005

P.C.:

. The present suit is filed on the basis of invoice for hoarding charges for display of advertisement. According to the defendants invoice is for the period subsequent to contract period and in respect of which part payment has been made. However, the said part payment relied upon by the plaintiff is not paid by the defendants. In my opinion, apart from the fact that the summary suit is not maintainable on mere invoices there are also

triable defences in respect of part payments alleged to have been made by the defendants in the present case and in view thereof, unconditional leave to defend is granted. Suit is transferred to the list of Commercial Causes. Written Statement or points of defence to be filed within four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.